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7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

11

12 DON BORG,   Case No.   C-07-03149-HRL

13   Plaintiff,   [Hon. Howard R. Lloyd]

14   v.   **DEFENDANT'S ADMINISTRATIVE
                                         MOTION PURSUANT TO CIVIL
15 PRINCIPAL LIFE INSURANCE CO.,   L.R. 79-5 TO FILE DOCUMENTS
   TARGET CORPORATION, and DOES 1   UNDER SEAL IN CONNECTION
16 through 20, inclusive,   WITH MOTION TO DISMISS**

17   Defendants.   Date: October 2, 2007

18   Time: 10:00 a.m.

19   Location: Courtroom 2

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DEFENDANTS' MOTION TO FILE DOCUMENTS UNDER SEAL
CASE NO. CV 07-03149 HRL
sf-2373812

1   PLEASE TAKE NOTICE that Defendants Principal Life Insurance Co. and Target

2 Corporation ("Defendants") hereby requests that the following documents be filed under seal:

3 Exhibits C and H to the Declaration of Geoffrey Graber in Support of Defendants Motion to

4 Dismiss ("Graber Declaration").

5   Exhibit H consists of the confidential settlement agreement executed by the parties to this

6 action in an earlier action captioned *Borg v. Principal Life Ins. Co. and Target Corp.*, Case No.

7 CV 05-05295 HRL (N.D. Cal.). That settlement agreement contains confidential information

8 regarding the litigation settlement negotiations, confidential settlement terms and privileged

9 communications. This District's local rules recognize the confidential nature of such information.

10 N.D. Cal. ADR L.R. 7-5 ("Except as provided by a case-specific order or in subdivision (b) of

11 this local rule, this court, the settlement judge, all counsel and parties, and any other persons

12 attending the settlement conference shall treat as 'confidential information' the contents of any

13 written settlement conference statements, anything that happened or was said, any position taken,

14 and any view of the merits of the case formed by any participant in connection with any

15 settlement conference.") Exhibit C is an email from the parties' court-appointed mediator,

16 Michael E. Dickstein, to Geoffrey Graber, which mentions the confidential terms of the

17 settlement agreement.

18   For the reasons set forth above, Defendants respectfully request that the Court grant this

19 Administrative Motion to File Documents under Seal pursuant to Local Rule 79-5(b).

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21 Dated: August 16, 2007   ANGELA L. PADILLA
                                           EVA K. SCHUELLER
22   MORRISON & FOERSTER LLP

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24   By: /s/ Angela L. Padilla [e-filing signature]
                                                 Angela L. Padilla

25   Attorneys for Defendants
26   TARGET CORPORATION and
                                           PRINCIPAL LIFE INSURANCE CO.

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DEFENDANTS' MOTION TO FILE DOCUMENTS UNDER SEAL
CASE NO. CV 07-03149 HRL   1
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